

## **Justice Delayed is Justice Denied: the Role of Justice in Pakistani Society, an Overview**

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### **ABSTRACT**

The present study aims to present the overview of the role of justice in Pakistani society. Any society whether the family, the community, a nation, or the world, benefits from having justice as a prevailing virtue. Such a society is dedicated to the notion that all of its members should benefit, and no one person or group should have a greater benefit or rights than another. Conversely, no person or group should be denied similar benefits to those that another group enjoys. Justice means punishing actions or words that are wrong and upholding things that are good. This helps ensure that wrongs will be ended and rights will be upheld thereby leading to a safer society for everyone. It is important to remember that justice is directly influenced by the ethics and values of each culture. This study highlights the basic flaws of Pakistani justice system and gives suggestions to reform the justice system of Pakistan.

Keywords: Justice, Pakistani society, Islam and justice, Problems with Pakistani justice system

### **INTRODUCTION:**

Every civilized society makes rules for the benefits of the society. When people of any society obeys law then an understanding of accomplishment develops between them, this position of accomplishment is called social and mental justice. According to Locke when people take care the basic human rights of others and secure everyone then it means the highest good in society is at peak. Basically by good we mean to give the fundamental rights to others. According to Salmond, "Justice demands that freedom, equality, and other basic rights be accorded and secured to human beings to the greatest extent consistent with the common good".<sup>1</sup>

We are well aware of the quotes like, "Justice delayed is justice denied". "Do justice even if heaven falls". Justice balances the framework and management of a society and leads society towards development and success. On the other hand a society which

will be unfair cannot make progress because of the unjust laws and rituals.

And one important thing is that, justice has a strong relationship with rationality. Without rationality the concept of justice is incomplete and without justice no rationality is possible. Rationality is the foundation of any culture and any society. We can make valid decisions for society with the use of our reason. Rationality help us to overcome the problems which any society or specially Pakistani society is facing now a days like ill political systems, terrorism, corruption, inflation, high illiteracy rate in Pakistan which is the cause of all crimes and poverty. Rationality does not represent being a perfectionist in one's opinion and thoughts. It does not need you to use huge quantity of time calculates every idea. It does not need you to study everything there is to know, to become a specialist at every issue. Rationality means performing according to cause. It means tolerant only that which you

have reason to trust. It means using logic to prepare out any disagreement. It means when you have to believe the judgment of another, you use your own intelligence to decide whether you should. Is the person learned in that field? Is it knowledge that an important person is capable of having? From what you know concerning the rest of his thoughts, is he someone you consider will be correct? Rationality is main a method of continued existence. It is a good quality only to the level that it supports one's survival. What is important for any society is the use of rationality in all matters specially in justice.

### **Origin of Justice in Pakistan:**

When we go in our times past, then we found that, as the Mughal Empire fast refused in power, the British Kingdome extended fast to overcome to the subcontinent. The British gained control all over the subcontinent either in universities, schools, bureaucracy and other institutions or set its own rules everywhere.

At that time Sir Sayed Ahmad Khan who was the great Muslim reformer and educationist start arguments for the significance of British Education. He was a scholar and a judge. To restart the motivation of development in the Muslim society of British India, Sir Sayed Ahmad Khan continued his efforts. He taught the Muslims to renew their situations to overcome the problems which arise from the British and which are the cause of the downfall of the Muslims traditions. He urges the Muslims to understand the rules and Laws of British for gaining success and achievement.<sup>2</sup> He emphasize that Muslims should change their outlook and give up the medieval thoughts and move to the modern thoughts to promote success and development of the Muslims society.

Sir Sayed advised the Muslims that they cannot involve in political affairs without acquiring modern teachings. He laid the

foundation of Aligarh Muslim University. This organization becomes the fundamental source of modern politics, science, law, justice, history and arts. He strongly advised the Muslims of subcontinent to hold a thought that Muslims and Hindus are not the same nations but they are separate in their religion, rules, customs, rites, language etc.

### **World War II:**

The World War II was very significant in the history of Pakistan. British Prime Minister Neville Chamberlain ordered the beginning of war with Germany on 3 September 1939.<sup>4</sup> The World War II became significant for Pakistan. The participation of Muslim League behind the division of India along religious defenses and the construction of Pakistan as a Muslim status in 1947 was very important<sup>5</sup>. The Congress leaders were submissive to all British India government to which they had selected, in 1939.<sup>6</sup>

Over the problem of World War II, the Muslim League and the Indian Congress answered in a different way. The Indian Congress declared that they will give no favor to the Britain unless the entire Indian subcontinent was granted the freedom and self-government. On the other hand, through political co-operation and human role, the Muslim League holds up Britain. The British learning of the Muslim League leaders and their philosophical thoughts brought the British government and the Muslim to be close to each other.<sup>7</sup>

Thus after the partition of the sub-continent the two independent states comes into being that are India and Pakistan. Pakistan borrowed its legal justice system and the rules of justice from British. The British reserved their laws on the basis of separate and regulation and most of their policies rotated in a circle this idea as a foundation.

### **The law of Pakistan:**

The Pakistani law is based on the legal system of British India. It's the law and

legal organization achieved in the Islamic republic of Pakistan. Pakistan has been unfair by Islamic Sharia law as an Islamic nation. The present judicial system of Pakistan extends back to the medieval time and still before. This judicial system consists of some phases that cover the Muslim era with the Mughal reign, British period, Hindu and post independence period. This judicial system proceeds towards consolidation and refinement, having to experience of any major disturbance or large change.

### **Stages of Development:**

For the progress of the past there are three stages e.g. Muslim rule, British colonial government and Hindu Kingdom. The forth stage starts with the partition of India and the Pakistani organizations, as a ruler and an independent country.

Thus the organization evolved during the procedure of improvement and enlargement. This end takes pleasure in by union among historians and commentators of Indian legal history. in this development of progression and growth, the legal system did accept power and motivations from overseas doctrines/notions and original norms/practices, together in conditions of arranging courts' structure and chain of command, and accepting dealings/practices in success choices. So, the near judicial system is not a completely overseas remove, as is usually supposed, but has obtained an native taste and national color. And while the system may not fully suit the genius of our people or meet the local conditions, its continued request and perform has made it understandable to the universal man. The Judicial System of Pakistan option to the judges for the declaration of their disagreements/disputes indicates that the system likes a quantity of legitimacy and reception.

### **Islam and the Legal System:**

Pakistan's justice system stands Islamic rule and on English common rule. In the middle of 1947 and 1978, Islamic rule was mostly limited to the field of individual position problems, such as wedding, legacy and separation. The legal Islamic structure of Pakistan began under General Zia ul Haq. Zia established far success changes in Pakistan's wrong justice system, in time by the Pakistan Penal Code of 1860 and the Code of unlawful process (1898) during a sequence of presidential rulings. He modified the country's anti-blasphemy laws and also shaped an equivalent court system, consisting of Shariat. The majority of the "Islamic" rules he organized are motionless on the act, and some were durable by traditional governments.<sup>8</sup>

The supreme court of Pakistan is the main body of justice system and is answerable to maintain the legal system of justice in the country. Its decisions are legally final and authentic and it has a power for making decisions. Other local and session courts which are called minor courts and their decisions are also based on justice but at the minor level.

### **Problems Pakistani Society is coping with:**

The prevailing system of governance in Pakistan undeniably is both exploitative and oppressive. It is exploitative because it unduly rewards the elite with excessive economic benefits at the expense of the poor in stark contrast with the injunctions of Islam and the principles of welfare state, which call for the redistribution of wealth from the rich to the poor. It is oppressive because it denies justice to the weak against the criminal excesses of the powerful in the society who can virtually get away with murder. The elite of the society including especially senior politicians, high ranking officers of the civilian bureaucracy and armed forces, feudal landlords, and dishonest and unscrupulous officials of the

judiciary are collectively responsible for this unhappy state of affairs.<sup>9</sup> The public of Pakistan is not satisfied with the organizations that are consists of the legal justice. Because they attain justice at a very high rate and for a court decisions they wait more and more. The accusers are generally uninformed people and our justice systems give no chance for these poor spirits to get shameful justice and as a consequence, they are cheats by lawyers who take advantage of on any chance to make money. During continuous and irritating suspension actions, the luggage are drawn to such a degree that the unique requesters usually pass away and their young follow these cases continually.

The position of police is vital in any system of justice. The vision of a policeman represents disrespect from the public in our country. For inadequacy and corruption, our police branch is famous. If a person first time went to a police station, he will realize that how many problems he faced for the registration of an FIR. At first, he would enter the ground of a police station and fearing the guards that are appointed at the entrance. And at that moment the sense of fear aroused in him and he feels himself that he may be bound in the jail at any moment for any reason. He request the other officials that inform him about the SHO that either he is present in the station or not. Sometime in this case to get the access to the SHO, he pay the other officials some money. When he met with the SHO then he describe the story of his hard lick and request to the SHO for the registration of an FIR. But if his opposite party will be powerful then the SHO will force you on some give and take and avoid the case.

It is often seems that in civil courts, the condition is poorer. In our courts it is famous that, the accusers must appoint an excellent judge as an alternative of a good lawyer to acquire justice. The most hit class of our society is the illiterate and poor

section. For the fees of lawyers to buy justice, the poor spend a lot of money and savings. But in countries, the people who are rich can buy justice easily to get rid from an accusation. So the discussion which is given above, covers the picture of our justice system that how this system is unsuccessful to solve the problems and achieve the targets of the public.

### **Suggestions to Reform Our Justice System:**

There are different notions to rationalize and improve the justice system of Pakistan. First our police branch is full of dishonest people, we should cleanse this dishonesty. They are less aware or have little knowledge to tackle with the criminals. They should be ready for the fresh knowledge to tackle the criminals. Secondly, our police are deprived of moral values and teachings. The institutions should be introduced to train them n ethical values. They should know that they are not the masters but the servants of the public. Thirdly, the judicial system of Pakistan is not strong, so we should take steps to strengthen it. An exact timing should be take place for the conclusion and hearing. Hearing should be based on just decisions; unjust decisions should not be favored. Fourthly, a government should take steps for a liberated judicial system and give positive favor to the poor's who are not able to give fees of lawyers. Fifthly, at Tehsil and region level the government should establish new courts to offers the justice at the level of the workers <sup>10</sup>. And lastly, if there is no reason there in no justice. In order to deal with specialized forms of law, the judges being appointed to spearhead these courts should also be trained accordingly. It needs to be instilled into the hearts of the judges that every stroke of their pen, each day, writes the fate of hundreds. Somebody is deprived of their rights whereas sometimes some are rewarded with what is rightfully theirs.

Justice in its true sense is the only way forward for any society. It doesn't matter if 10 convicts walk free, but what matters is that not even a single innocent should be incarcerated. The need of the hour is for urgent policy measures to rectify the situation and ensure that Pakistan turns into an Islamic welfare state in its true sense where economic exploitation and social oppression of the poor and the weak come to an end, enabling them to lead their lives with dignity, develop their God-given talents, and realize their potential. So we should judge and make decisions in the light of reason so that our society can make progress.

#### **Analysis:**

What is general in my views is that, every society has a set of viewpoint, norms, values, folkways, mores and laws. All the values, customs, traditions and events of societies are straight or ultimately connected to the religion of the society and distorted with the way of time by the intervention of independent values attitudes and mass media authority. As many other on the increase settings, Pakistani society is undergoing a fast and complex social change, in which customary thoughts coexists and often fights with modern ideas. Rational thoughts approach has large effects on the all the members of Pakistani society.

The difficulty here is that everyone at some position has a different understanding of exact and incorrect, and they turn rules according to their power and weaknesses in devotion. It is in fact a succession of this hypothesis and state of mind that led to radicalism. Laws and the Justice System should only be distinct by the status and implemented by Law Enforcing Agencies, functioning under the state. This golden rule (justice) was adopted by all of today's first world countries, which gave them success. They implemented a simple justice system that punished the people who did "bad".

There is no doubt that the definition of "bad" has always come from different religions, like Christianity dominated the laws of the west, but none of these nations needed to adopt a complete religion like Christianity or Judaism as a system of governance. Just a few laws and their proper implementation were good enough. One should also realize that more than ninety percent of all religions have a similar interpretation of crime, injustice and sins. When it comes to stealing, murder, intolerance, immorality and corruption etc, all religions consider it to be evil, not just one or two. The problem today is people not being made accountable for trespassing them.

#### **CONCLUSION:**

What we need to do is to teach people of their rights and if possible include compulsory courses on Justice, Law and Order, Social Ethics, and Immorality if we are to wipe this disorder, chaos and mayhem off the face of Pakistan. Reason plays a great role in teaching people that what should we do and not to do, what is useful and what is harmful. We should make decisions which are based on reason. We should judge others with the use of our good reasoning. Only in this way our country will progress by leaps and bounds. There is absolutely no doubt in my mind that Justice, Law and Order are the solutions to all problems facing Pakistan. The issue takes a new turn when we come to the way this monumental task needs to be accomplished. The biggest hurdle it faces is from the corrupt leaders who themselves break the law, whether they be civilian leaders or those in uniform. Pakistan is a country whose setup is based on democracy. In the constitution of Pakistan it is showed that the rules of social justice, tolerance, democracy, equality and freedom will be applied according to the teachings of Islam. We cannot hold that democracy makes the



government corrupt, according to Plato. If the rules of democracy are applied fairly then it can be better for a state or country. Democracy is a system which guides the people that what is good for them. It is not a set of rules that permits an individual that he can do what he want to do. The basic thing is that for a better society we should change ourselves and the methods by which we choose our leaders to reform our government. Thus unless we do not use reasoning in our judgments and decisions we cannot make progress. Justice is based on valid reasoning which is based on facts.

### References:

1. Bodenheimer, Jurisprudence: *The Philosophy and Method of the Law*. Harvard University Press, 1962; p. 4
2. -Administration (1 June 2003). "Aligarh Movement". *Aligarh Movement, Story of Pakistan*. Retrieved 14 February 2017. <http://storyofpakistan.com/aligarh-movement>.
3. Staff. "Sir Syed Ahmad Khan". *Biography, Nazaria-Pakistan*. Retrieved 15 February 2017. <http://www.pakistanherald.com/profile/sir-syed-ahmad-khan-1201>.
4. Hector Bolitho. *Jinnah: Creator of Pakistan*. (London: John Murray, 1954).
5. "Muslim League and the impact of World War II". Retrieved 11 February 2017. <http://storyofpakistan.com/impact-of-the-second-world-war>
6. Madhusree Mukerjee. *"Empire at War"*. Churchill's secret war : the British empire and the ravaging of india during world war II. (New York: Basic Books, 2011).
7. Yasmeen Niaz Mohiuddin. *"Muslim League and World War II"*. (Pakistan : a global studies handbook. Santa Barbara, 2007)
8. Zulqarnayn Awan. *The Judicial System of Pakistan*: Lahore. Retrieved 2-8-17. <http://www.hamariweb.com/articles/article.aspx?id=60917>.
9. Javid Husain.(2018). *Pakistan's flawed justice system*, Retrieved 1-6-2019 from, <https://nation.com.pk/19-Jun-2018/pakistan-s-flawed-justice-system>
10. *Pakistan's Justice System, Success or Failure*. Retrieved 2-8-2017. <https://sheir.org/edu/pakistan-justice-system/>